

REMARKS

Upon entry of the present amendment, the claims in the application the claims in the application remain claims 1-17, of which claims 1 and 8 are independent.

Claims 1-3, 8-10 and 14-17 are amended to adopt the change suggested by the Examiner at item 2 of the Office Action, i.e., "another pipe", "said other pipe" to alternative language such as "second pipe" and "the second pipe".

Applicant respectfully submits that: the above amendments are fully supported by the original disclosure, including the drawings, no new matter is introduced by the above amendments, the amendments do not raise any new issues for consideration by the Examiner because they simply adopt his suggested changes.

Further, applicant respectfully submits that the above amendments overcome the Examiner's objection set forth at item 2 of the Office Action, and accordingly it is respectfully requested that the objection be reconsidered and withdrawn.

Art Based Rejections Under 35 USC §§102, 103

The Examiner has rejected claims 1-3 and 5-17 under 35 U.S.C.102(e) as being anticipated by Nakanishi (US Patent 6,450,459) as set forth in item 4 of the Office Action, while in item 6 of the Office Action, the Examiner rejects claim 4 under 35 U.S.C.103(a) as being unpatentable over Nakanishi in view of case law from 1955, In re Aller, 105 USPQ 233 (CCPA 1955). It is the Examiner's position, as essentially repeated from the prior Office Action, that Nakanishi's pipe fastener expressly includes all aspects of the claimed invention except the complete disposition of the fuel line and brake line and use of carbon black to make the resin electrically conductive, whereas the claimed disposition of the fuel and brake pipes is conventional (inherent in Nakanishi's system), and use of carbon black would have been obvious because it is not disclosed by applicant as achieving anything significant over the conductive resin generally disclosed by Nakanishi. Also, the Examiner asserts that since Nakanishi's clamp is detachable, any of the pipes can be detached and in turn become electrically independent from the vehicle body.

Applicant's Response

Upon careful consideration applicant respectfully traverses such rejections, and submits that claims 1-17 are clearly patentably distinct over the Nakanishi reference, for substantially the same reasons as set forth in the Amendment-B dated 24 July 2003.

Particularly, Nakanishi's pipe fastener does not include a "conductive *clamp*" (singular) which electrically connects a fuel pipe supported on a vehicle body in an electrically independent manner to another pipe which is electrically connected to the vehicle body, as defined in independent claims 1 and 8. Instead, Nakanishi's pipe fastener includes the *combination* of : a *non-conductive* holder 2 holding portions of pipes 19-23 extending through openings of the holder, an electrical connection member 3 which is connected to the holder 2 via engaging legs 25 and openings 35, and a metal stud 6 which is held in a central opening 7 of the holder by the electrical connection member 3. In this combination, the pipe holder 2 does not electrically connect anything because it is not made of electrically conductive material. On the other hand, neither the electrical connection member 3 or the metal stud 6 is a "clamp" according to the plain meaning of such term, nor does either of these components electrically connect the electrically independent fuel line with a second pipe that is electrically connected to the vehicle body. Rather, that the connection member 3 contacts a fuel pipe 21 retained by the holder 2 and the stud contacts the member 3 and a body panel 5 of the vehicle, thereby establishing electrical contact between fuel pipe 21, stud 6 and the vehicle body panel 5.

These distinctions are quite significant because the combination pipe fastener assembly of Nakanishi including the three components is unduly complex and expensive to manufacture and install similar to the disadvantageous background art discussed in the present specification.

Further, applicant respectfully submits that Nakanishi's fastener does not include or suggest several other features more specifically defined in at least dependent claims 2-4, 7, 9-11, 13, 14 and 16, including: the conductive clamp including *electrically conductive elastic attachment portions in engagement with the fuel and second pipes* as defined in claims 14 and 16; a conductive clamp which couples portions of the fuel and second pipes ..., as defined in

claims 2 and 9, again noting that the holder 2 is the only part of Nakanishi's fastener which couples portions of a fuel pipe and a second pipe, whereas the holder is not electrically conductive; the second pipe as a brake pipe electrically connected to the vehicle body through a brake hose support bracket as defined in claims 3 and 10; the conductive clamp being constituted of synthetic resin containing carbon black as defined in claim 4, again, noting that Nakanishi's electrical connection member 3 is not a clamp; the clamp being *both* flexible and electrically conductive as defined in claim 7, again because Nakanishi's holder is neither flexible or electrically conductive; the conductive clamp being a *unitary member* formed of electrically conductive resin as defined in claims 11 and 13; etc.

In this regard, applicant has considered the Examiner's allegation at the sentence bridging pages 2-3 of the Office Action (regarding "electrically independent"), but it is respectfully submitted that such allegation reflects an unreasonable interpretation of the claim language because claims 1 and 8 require the fuel pipe to be "supported on a vehicle body" and require the other pipe to be "electrically connected to the vehicle body", which limitations would not be met if the fuel pipe were detached from the vehicle body.

Relative to claims 11 and 13, applicant has considered the Examiner's allegation that Nakanishi's clamp is formed of a flexible conductive resin, but it is respectfully submitted that such allegation is not supported by Nakanishi's disclosure and does not properly reflect the complete language of claims 11 and 13. Although Nakanishi's electrical connection member 3 may be made of flexible plastic material, the member 3 is *not a clamp* because it merely engages a lower surface of a fuel pipe without any clamping function as discussed above, while his pipe holder (clamp) 2 is made of "rigid plastic material" and the stud 6 is metallic. Thus, Nakanishi does not disclose any single component which corresponds to the claimed clamp that is "a *unitary member* formed of an electrically conductive synthetic resin (emphasis added)".

Similarly, Nakanishi does not disclose any single component (or combination of components for that matter) which includes "electrically conductive elastic attachment portions in engagement with the fuel pipe and the second pipe", as defined in claims 14 and 16. None of the components 2, 3 and/or 6 includes electrically conductive elastic attachment portions *engaging the fuel and second pipes* as claimed. Although Nakanishi discloses that the electrically connecting member 3 may connect two or more "... *pipes which need grounding* (emphasis added)", as noted by the Examiner, any such modified member 3 based on Nakanishi's actual disclosure would not engage the second pipe as claimed because the claimed second pipe does not require grounding.

Based on the foregoing, applicant respectfully submits that the rejections of claims 1-17 based on the Nakanishi reference are overcome, and accordingly it is respectfully requested that such rejections be reconsidered and withdrawn.

Other References Cited in the Office Action

The additional references cited by the Examiner at item 9 of the Office Action (Hahn US Patent 6,565,049 and Picco et al. US Patent 5,653,411) have been considered by applicant, but it is respectfully submitted that these additional references fail to overcome the deficiencies of the Nakanishi reference as discussed above relative to the claimed invention.

Conclusion

In conclusion, applicant has overcome the Examiner's rejections as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

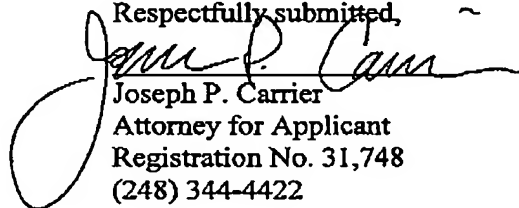
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Entry of the present Amendment is respectfully requested under 37 CFR 1.116 on the grounds that: the Amendment does not raise any new issues for consideration by the Examiner, but merely adopts minor changes suggested/required by the Examiner for making the claim language more definite; the Amendment reduces the number of issues on appeal, if necessary; and moreover, the Amendment is believed to place the application in condition for allowance.

Favorable reconsideration is respectfully requested.

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 3618, December 30, 2003.

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